

# *The Saskatchewan Human Rights Code Regulations*

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[Chapter S-24.1 Reg 1](#) (effective November 15, 2001) as amended by Saskatchewan Regulations [107/2003](#) and [45/2011](#).

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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**CHAPTER S-24.1 REG 1**  
*The Saskatchewan Human Rights Code*

**Title**

**1** These regulations may be cited as *The Saskatchewan Human Rights Code Regulations*.

**Interpretation**

**2** In these regulations:

- (a) **“Code”** means *The Saskatchewan Human Rights Code*;
- (b) **“complainant”** means a person who has filed a complaint pursuant to subsection 27(1) of the Code and, for the purposes of sections 5 and 8, includes the commission where the commission has initiated the complaint;
- (c) **“hearing”** means a hearing into a complaint;
- (d) **“respondent”** means a person against whom a complaint is made;
- (e) **“sponsor”** means an employer, institution, agency or other organization that:
  - (i) has received approval for a program pursuant to subsection 47(1) of the Code; or
  - (ii) has been ordered to undertake a program pursuant to subsection 47(1) or clause 31.3(a) of the Code;
- (f) **Repealed.** 30 Jne 2011 SR 45/2011 s2.

13 Jly 2001 cS-24.1 Reg 1 s2; 30 Jne 2011 SR  
45/2011 s2.

**Complaints**

**3** A complaint within the meaning of Part IV of the Code may be made:

- (a) by filing the form mentioned in subsection 27(1) of the Code; or
- (b) orally to the commission.

13 Jly 2001 cS-24.1 Reg 1 s3.

**Class complaints**

4(1) Where more than one person has a common interest in a cause or matter, a complaint may be filed pursuant to section 27 of the Code on behalf of a class of persons notwithstanding that the damage suffered may vary from person to person within the class.

(2) The Chief Commissioner shall accept for filing a complaint on behalf of a class of persons if he or she considers it appropriate to do so.

(3) In determining whether to accept a complaint for filing pursuant to subsection (2), the Chief Commissioner shall consider whether:

- (a) there is an identifiable class;
- (b) the claims of the class members raise common issues;
- (c) the class complaint would be the preferable procedure for the resolution of the common issues; and
- (d) the complainant is an appropriate representative of the class of persons on whose behalf the complaint is filed.

(4) Where a complaint is accepted for filing on behalf of a class of persons, the Chief Commissioner shall provide the members of the class with notice of the complaint that the Chief Commissioner considers reasonable in the circumstances.

(5) Where a member of the class requests exclusion from the class by applying to the commission within 30 days after the day on which notice pursuant to subsection (4) was provided, the commission shall grant the exclusion.

13 Jly 2001 cS-24.1 Reg 1 s4; 30 Jne 2011 SR 45/2011 s4.

#### **Amended complaints**

**5(1)** A complaint may be amended by the complainant at any time before the Chief Commissioner applies to the court for a hearing of the complaint pursuant to section 29.6 of the Code.

(2) **Repealed.** 30 Jne 2011 SR 45/2011 s5.

(3) Sections 27.1 and 28 of the Code apply to a complaint amended before the Chief Commissioner applies to the court for a hearing.

(4) Where a complaint is filed on behalf of a class of persons, the complainant may only amend the complaint with the consent of the Chief Commissioner.

13 Jly 2001 cS-24.1 Reg 1 s5; 30 Jne 2011 SR 45/2011 s5.

#### **Withdrawal of complaint**

**6(1)** A complaint, other than a complaint on behalf of a class of persons, may be withdrawn by the complainant at any time by giving notice orally or in writing to the commission.

(2) The Chief Commissioner may consider that a complaint has been withdrawn or, in the case of a complaint on behalf of a class of persons, consider that the complainant does not wish to continue with the complaint, if a complainant has been requested in writing to contact the commission and does not respond to that request within a reasonable period.

(3) A complainant who files a complaint on behalf of a class of persons may withdraw as the complainant, but the Chief Commissioner may appoint a complainant to continue with the complaint.

13 Jly 2001 cS-24.1 Reg 1 s6.

**Dismissal of complaint**

**7** Where the Chief Commissioner dismisses a complaint pursuant to subsection 27.1(2) or 29.5(3) of the Code, he or she shall notify the complainant in writing.

13 Jly 2001 cS-24.1 Reg 1 s7; 30 Jne 2011 SR 45/2011 s6.

**Service of complaint**

**8** The commission shall serve a copy of the complaint and notice of any amendments made by the complainant on the respondent at any time before the Chief Commissioner applies to the court for a hearing of the complaint.

13 Jly 2001 cS-24.1 Reg 1 s8; 30 Jne 2011 SR 45/2011 s7.

**Address to be provided**

**9(1)** Within 20 days after service of the complaint, the respondent shall provide the commission with an address where documents may be served and notices given.

**(2)** Where the address provided pursuant to subsection (1) changes, the respondent shall inform the commission of the change.

**(3)** Where a complaint has been served on the respondent and the respondent has not provided an address for service, the address of the respondent stated in the complaint is the respondent's address for service.

13 Jly 2001 cS-24.1 Reg 1 s9.

**Service**

**10** Where any document is required to be served, service may be made in any manner permitted by *The Queen's Bench Rules*.

13 Jly 2001 cS-24.1 Reg 1 s10.

**11 Repealed.** 30 Jne 2011 SR 45/2011 s8.

**Investigation by commission**

**12(1)** Where the Chief Commissioner determines that a complaint should be investigated, the respondent shall, when requested, provide a response to the complaint and any further information relating to the complaint that the commission may request.

**(2)** In addition to requiring the production of documents and records, the Chief Commissioner may request a summary of the information contained in any documents or records relating to the complaint in the respondent's possession.

13 Jly 2001 cS-24.1 Reg 1 s12; 30 Jne 2011 SR 45/2011 s9.

**13 Repealed.** 30 Jne 2011 SR 45/2011 s10.

**13.1 Repealed.** 30 Jne 2011 SR 45/2011 s10.

**Record**

**14(1) Repealed.** 17 Oct 2003 SR 107/2003 s4.

(2) **Repealed.** 30 Jne 2011 SR 45/2011 s11.

(3) **Repealed.** 17 Oct 2003 SR 107/2003 s4.

(4) **Repealed.** 17 Oct 2003 SR 107/2003 s4.

13 Jly 2001 cS-24.1 Reg 1 s14; 17 Oct 2003 SR 107/2003 s4; 30 Jne 2011 SR 45/2011 s11.

**15 Repealed.** 30 Jne 2011 SR 45/2011 s12.

**16 Repealed.** 30 Jne 2011 SR 45/2011 s12.

**Rules respecting complaints regarding classes of persons**

**17(1)** If the court determines that the notice given pursuant to subsection 4(4) is insufficient, the court may:

- (a) direct that a class of persons on whose behalf a complaint is filed be given notice of the complaint pursuant to subsection (2); and
- (b) refuse to conduct a hearing respecting the complaint until that notice has been given.

(2) The court may give directions respecting the contents of the notice required pursuant to subsection (1) and the means by which the notice is to be given to members of the class.

(3) On application by the respondent or a member of the class, the court shall determine whether the complaint may proceed as a class complaint and shall consider the criteria in subsection 4(3) in making that determination.

(4) If the court determines that the criteria in subsection 4(3) are not satisfied, the court may:

- (a) direct that the complaint on behalf of that class of persons proceed as individual complaints on behalf of named individual members of the class;
- (b) direct that the complaint proceed with a reconstituted or redefined class of persons; or
- (c) make any other direction that, in the court's opinion, will facilitate the fair and efficient adjudication of the complaint.

(5) The court may direct that certain persons be excluded as members of the class.

(6) The court may:

- (a) order that the compensation to which each individual member of a class is entitled be determined by a formula or a process; and
- (b) determine any disputes arising out of that order.

30 Jne 2011 SR 45/2011 s13.

**18 Repealed.** 30 Jne 2011 SR 45/2011 s14.

**Interpreter**

**19(1) Repealed.** 30 Jne 2011 SR 45/2011 s15.

(2) The cost of an interpreter in a hearing is payable by the Ministry of Justice and Attorney General in accordance with Schedule IV of the Tariff of Costs in *The Queen's Bench Rules*.

13 Jly 2001 cS-24.1 Reg 1 s19; 30 Jne 2011 SR 45/2011 s15.

**20 Repealed.** 30 Jne 2011 SR 45/2011 s16.

**21 Repealed.** 30 Jne 2011 SR 45/2011 s16.

**22 Repealed.** 30 Jne 2011 SR 45/2011 s16.

**Applications for approvals and exemptions**

**23** An application for a program approval pursuant to subsection 47(1) of the Code is to be accompanied by a written submission and any other material that may be required by the commission.

13 Jly 2001 cS-24.1 Reg 1 s23; 30 Jne 2011 SR 45/2011 s17.

**Information respecting programs**

**24** For the purpose of subsection 47(1) of the Code, the commission may gather information in any manner from any person or source that the commission considers necessary.

30 Jne 30 2011 SR 45/2011 s18.

**Terms of approval**

**25** The commission may impose any terms, conditions or criteria it considers appropriate when ordering, approving or continuing the approval of a program pursuant to section 47 of the Code.

30 Jne 30 2011 SR 45/2011 s19.

**Reports**

**26(1)** Every sponsor of a program approved pursuant to section 47 of the Code shall report to the commission on a date set by the commission.

(2) The Chief Commissioner may at any time request any information from the sponsor he or she considers appropriate for the purposes of monitoring the approved program.

(3) Any person who receives a request for information pursuant to subsection(2) shall provide that information to the person requesting it within the time specified.

13 Jly 2001 cS-24.1 Reg 1 s26; 30 Jne 2011 SR 45/2011 s20.

**Distinctions, etc., based on risk factors**

**27** Any of the following that make a distinction, exclusion or preference because of disability that is reasonable and bona fide based on the risk factor for the distinction, exclusion or preference are prescribed for the purposes of subsection 15(1.2) of Code:

- (a) contracts of automobile, life, accident or sickness, or disability insurance;
- (b) contracts of group insurance between an insurer and an association or person;
- (c) life annuities.

13 Jly 2001 cS-24.1 Reg 1 s27.

**Non-compliance**

**28(1)** Non-compliance with these regulations does not render any proceeding void unless the court so directs.

(2) The court may order the matter returned to the commission to remedy any non-compliance with these regulations.

13 Jly 2001 cS-24.1 Reg 1 s28; 30 Jne 2011 SR 45/2011 s21.

**Sask. Reg. 216/79 repealed**

**29** Saskatchewan Regulations 216/79 are repealed.

13 Jly 2001 cS-24.1 Reg 1 s29.

**30 Repealed.** 30 Jne 2011 SR 45/2011 s22.

**Coming into force**

**31(1)** Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Saskatchewan Human Rights Code Amendment Act, 2000* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Saskatchewan Human Rights Code Amendment Act, 2000* comes into force, these regulations come in to force on the day on which they are filed with the Registrar of Regulations.

13 Jly 2001 cS-24.1 Reg 1 s31.

**Appendix**

**Repealed.** 30 Jne 2011 SR 45/2011 s23.